

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/26/2020

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GUSTAVO PENATE, on behalf of others similarly:
situated
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Plaintiff,
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-against-
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:
DBTG CHAMBERS LLC, JOSEPH CIRIELLO,
:
:
:
Defendants.
:
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19-CV-8767 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS Plaintiff filed this lawsuit on September 20, 2019, *see* Dkt. 1;

WHEREAS Plaintiff filed affidavits reflecting timely service of a summons and the
Complaint on Defendants, *see* Dkts. 7, 12;

WHEREAS Defendant DBTG Chambers LLC has failed to appear, answer, or otherwise
respond to the Complaint by the December 3, 2019 deadline, *see* Fed. R. Civ. P. 12(a)(1)

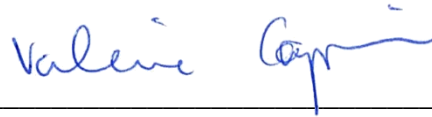
WHEREAS Defendant Joseph Ciriello has failed to appear, answer, or otherwise respond
to the Complaint by the January 2, 2020 deadline, *see* Fed. R. Civ. P. 12(a)(1)

WHEREAS the Clerk's Office issued a Certificate of Default as to both Defendants on
February 3, 2020, *see* Dkts. 22, 32;

IT IS ORDERED that Plaintiff must apply for a default judgment against Defendants,
consistent with the procedures described in Attachment A to the undersigned's Individual
Practices in Civil Cases by not later than **March 4, 2020**, or the case will be dismissed for failure
to prosecute.

SO ORDERED.

**Date: February 26, 2020
New York, NY**



**VALERIE CAPRONI
United States District Judge**